

## **ARTICLE 4: ASBESTOS CONTROL STANDARDS**

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### **SECTION 4.01 ASBESTOS DEFINITIONS** Adopted 06/08/95 (818)

Revised 02/12/98 (863), 07/13/00 (918), 09/26/02 (978), 02/27/03 (987)

- (a) **AHERA BUILDING INSPECTOR** means a person who has successfully completed the training requirements for a building inspector established by EPA Asbestos Model Accreditation Plan; Interim Final Rule (40 CFR Part 763, Appendix C) and whose certification is current.
- (b) **ASBESTOS** means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), or anthophyllite.
- (c) **ASBESTOS-CONTAINING MATERIAL** means any material containing more than one percent (1%) asbestos as determined using the method specified in EPA regulations Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy.
- (d) **ASBESTOS-CONTAINING WASTE MATERIAL** means any waste that contains or is contaminated with friable asbestos-containing material. Asbestos-containing waste material includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-contaminated waste, debris, containers, bags, protective clothing, or HEPA filters. Asbestos-containing waste material does not include samples of asbestos-containing material taken for testing or enforcement purposes.
- (e) **ASBESTOS PROJECT** means any activity involving the abatement, renovation, demolition, removal, salvage, clean up, or disposal of friable, asbestos-containing material. It includes the removal and disposal of stored, friable, asbestos-containing material or asbestos-containing waste material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released.
- (f) **ASBESTOS SURVEY** means a written report describing an inspection using the procedures contained in EPA regulations (40 CFR 763.86), or an alternate method that has received prior written approval from the Control Officer, to determine whether materials or structures to be worked on, renovated, removed, or demolished (including materials on the outside of structures) contain asbestos.
- (g) **COMPONENT** means any equipment, pipe, structural member, or other item covered or coated with, or manufactured from, asbestos-containing material.
- (h) **DEMOLITION** means wrecking, razing, leveling, dismantling, or burning of a structure, making the structure permanently uninhabitable or unusable.

- (i) **FRIABLE, ASBESTOS-CONTAINING MATERIAL** means asbestos-containing material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, or disposal. Such materials include, but are not limited to, thermal system insulation, surfacing material, and cement asbestos products.
- (j) **LEAK-TIGHT CONTAINER** means a dust-tight and liquid-tight container, at least 6-mil thick, that encloses asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic.
- (k) **NONFRIABLE, ASBESTOS-CONTAINING MATERIAL** means asbestos-containing material that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal.
- (l) **RENOVATION** means altering a facility or a component in any way, except demolition.
- (m) **SINGLE-FAMILY RESIDENCE** means any non-multiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is used by one family who owns the property as their domicile. This term includes houses, mobile homes, trailers, detached garages, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include rental property or multiple-family units, nor does this term include any mixed-use building, structure, or installation that contains a residential unit.
- (n) **SURFACING MATERIAL** means material that is sprayed-on, troweled-on, or otherwise applied to surfaces including, but not limited to, acoustical plaster on ceilings, paints, fireproofing materials on structural members, or other materials on surfaces for decorative purposes.
- (o) **SUSPECT ASBESTOS-CONTAINING MATERIAL** means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material, fire barriers, gaskets, flooring material, and cement siding.
- (p) **THERMAL SYSTEM INSULATION** means material applied to pipes, fittings, boilers, tanks, ducts, or other structural components to prevent heat loss or gain.

#### **SECTION 4.02 ASBESTOS SURVEY REQUIREMENTS**

Adopted 06/08/95 (818)

##### **(a) Requirements for Renovations**

It shall be unlawful for any person to cause or allow a renovation unless the property owner or the owner's agent determines whether there are suspect

asbestos-containing materials in the work area and obtains an asbestos survey of any suspect asbestos-containing materials by an AHERA building inspector. An AHERA building inspector is not required for asbestos surveys associated with the renovation of an owner-occupied, single-family residence.

- (1) If there are no suspect materials in the work area, this determination shall either be posted at the work site or communicated in writing to all contractors involved in the renovation.
- (2) It is not required that an AHERA building inspector evaluate any material presumed to be asbestos-containing material.
- (3) Except for renovations of an owner-occupied, single-family residence, only an AHERA building inspector may determine that a suspect material does not contain asbestos.
- (4) A summary of the results of the asbestos survey shall either be posted by the property owner or the owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.

**(b) Requirements for Demolitions**

It shall be unlawful for any person to cause or allow any demolition unless the property owner or the owner's agent obtains an asbestos survey by an AHERA building inspector of the structure to be demolished.

- (1) It is not required that an AHERA building inspector evaluate any material presumed to be asbestos-containing material.
- (2) Only an AHERA building inspector may determine that a suspect material does not contain asbestos.
- (3) A summary of the results of the asbestos survey shall either be posted by the property owner or the owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.

**SECTION 4.03 ASBESTOS NOTIFICATION REQUIREMENTS**

Adopted 06/08/95 (818)  
Revised 09/12/96 (839), 07/13/00 (918), 05/23/02 (971), 05/22/03 (996), 12/16/04 (1037)

**(a) General Requirements**

It shall be unlawful for any person to cause or allow any work on an asbestos project or demolition unless a complete notification, including the required fee and any additional information requested by the Control Officer, has been submitted to the Agency on approved forms, in accordance with the advance notification period requirements contained in Section 4.03(d) of this Regulation.

- (1) The duration of an asbestos project shall be commensurate with the amount of work involved.
- (2) Notification is not required for asbestos projects involving less than 10 linear feet of friable, asbestos-containing material on pipes or 48 square

feet of friable, asbestos-containing material on other components (per structure, building, or vessel, per calendar year).

- (3) Notification is not required for removal and disposal of nonfriable, asbestos-containing material.
- (4) Notification is required for all demolitions involving structures with a projected roof area greater than 120 square feet, even if no asbestos-containing material is present.
- (5) The written notification shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency.
- (6) A copy of the notification, all amendments to the notification, and the asbestos survey shall be available for inspection at all times at the asbestos project or demolition site.
- (7) A property owner may file notification for multiple asbestos projects or demolitions on one form if all the following criteria are met:
  - (A) The work will be performed continuously by the same contractor; and
  - (B) A work plan is submitted that includes: a map of the structures involved in the project including the site address for each structure; the amount and type of friable, asbestos-containing material in each structure; and the schedule for performing asbestos project and demolition work. For projects where a detailed work schedule cannot be provided, the asbestos contractor and/or the demolition contractor shall participate in the Agency's work schedule fax program and will continue to participate in the program throughout the duration of the project.

(8) Annual Notification

A property owner may file one annual notification for asbestos projects to be conducted on one or more structures, vessels, or buildings during each calendar year if all of the following conditions are met:

- (A) The annual notification shall be filed with the Agency before commencing work on any asbestos project included in an annual notification;
- (B) The total amount of asbestos-containing material for all asbestos projects from each structure, vessel, or building in a calendar year under this section is less than 260 linear feet on pipes or less than 160 square feet on other components; and
- (C) The property owner submits quarterly written reports to the Control Officer on Agency-approved forms within 15 days after the end of each calendar quarter.

**(b) Amendments**

**(1) Mandatory Amendments**

An amendment shall be submitted to the Control Officer for the following changes in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency:

- (A) Increases in the project type or job size category that increase the fee;
- (B) Changes in the type of friable, asbestos-containing material that will be removed; or
- (C) Changes in the start date, completion date, or work schedule, including hours of work. Asbestos contractors or property owners participating in the Agency work schedule fax program are not required to submit amendments for work schedule changes occurring between the start and completion dates.

**(2) Optional Amendments**

- (A) An amendment may be submitted to the Control Officer for any other change in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency.
- (B) Contractors and property owners participating in the Agency work schedule fax program may, within 45 days after the last completion date on record, submit an amendment to the Control Officer for the removal of additional, friable, asbestos-containing material not identified during the asbestos survey. If more than 45 days have lapsed since the last completion date on record, the requirements of Section 4.03(a), including notification periods and fees, shall apply.

**(c) Emergencies**

The Control Officer may waive the advance notification period, if the property owner submits a written request that demonstrates to the Control Officer that an asbestos project or demolition must be conducted immediately because of any of the following:

- (1) There was a sudden, unexpected event that resulted in a public health or safety hazard;
- (2) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage;
- (3) Asbestos-containing materials were encountered that were not identified during the asbestos survey; or
- (4) The project must proceed to avoid imposing an unreasonable burden.

(d) Notification Period and Fees

Project	Notification Period	Non-Refundable Fee	Demolition Surcharge**
<b>Single-Family Residence</b>			
Asbestos Project*	prior notice	\$25	
Demolition (with or without asbestos project)	10 days	\$50	
<b>All Other Demolitions (without asbestos project)</b>			
	10 days	\$100	
<b>All Other Asbestos Projects</b>			
10 - 259 linear ft* and/or 48 - 159 square ft	prior notice (asbestos only) 10 days (demolition)	\$100	\$100
260 - 999 linear ft and/or 160 - 4,999 square ft	10 days	\$200	\$100
1,000+ linear ft and/or 5,000+ square ft	10 days	\$600	\$100
Emergency – 4.03(c)***	prior notice	applicable fees + \$50	
Amendment – 4.03(b)	prior notice	\$25	
Annual Notice – 4.03(a)(8)	prior notice	\$1,500	

\*Contractors participating in the Agency work schedule fax program are not required to file a Notice of Intent for asbestos removals in this project category and no fee will be assessed.

\*\*Additional fee for demolitions. All demolitions require a Notice of Intent and a 10-day notification period unless waived per Section 4.03(c).

\*\*\*The 10-day notification period may be waived per Section 4.03(c) and with payment of the applicable fees + \$50. Single-family residences are exempt from the emergency fee; however, property owners must still provide a written request per Section 4.03(c).

**The Control Officer may waive the asbestos project fee and notification period, by written authorization, for disposal of unused and intact or abandoned (without the knowledge or consent of the property owner) friable, asbestos-containing material.**

## **SECTION 4.04 ASBESTOS REMOVAL REQUIREMENTS PRIOR TO RENOVATION OR DEMOLITION**

Adopted 06/08/95 (818), 07/13/00 (918)

### **(a) Removal of Friable Asbestos Prior to Renovation or Demolition**

Except as provided in Section 4.04(c) of this Regulation, it shall be unlawful for any person to cause or allow any demolition or renovation that may disturb friable, asbestos-containing material or damage a structure so as to preclude access to friable, asbestos-containing material for future removal, without first removing all friable, asbestos-containing material in accordance with the requirements of this regulation.

Friable, asbestos-containing material need not be removed from a component if the component can be removed, stored, or transported for reuse without disturbing or damaging the asbestos.

### **(b) Demolition by Burning**

It shall be unlawful for any person to cause or allow the burning of any facility for fire training without removing all asbestos-containing material prior to burning. This includes both friable, and nonfriable, asbestos-containing material.

### **(c) Exception For Hazardous Conditions**

Friable, asbestos-containing material need not be removed prior to a demolition or renovation, if the property owner demonstrates to the Control Officer that it is not accessible because of hazardous conditions such as: structures or buildings that are structurally unsound and in danger of imminent collapse, or other conditions that are immediately dangerous to life and health. The property owner must submit the written determination of the hazard by an authorized government official or a licensed structural engineer, and must submit the procedures that will be followed for controlling asbestos emissions during the demolition or renovation and disposal of the asbestos-containing waste material.

## **SECTION 4.05 PROCEDURES FOR ASBESTOS PROJECTS**

Adopted 06/08/95 (818)

Revised 02/12/98 (863), 07/13/00 (918), 02/27/03 (987)

### **(a) Training Requirements**

It shall be unlawful for any person to cause or allow any work on an asbestos project unless it is performed by persons trained and certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction) and whose certification is current.

This certification requirement does not apply to asbestos projects conducted as part of a renovation in a single-family residence performed by the owner of the dwelling.

**(b) Friable Asbestos Removal Work Practices**

It shall be unlawful for any person to cause or allow the removal of friable, asbestos-containing material unless all the following requirements are met:

- (1) The asbestos project shall be conducted in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only.
- (2) If a negative pressure enclosure is employed it shall be equipped with transparent viewing ports, if feasible, and shall be maintained in good working order.
- (3) Absorbent, friable, asbestos-containing material, such as surfacing material and thermal system insulation, shall be saturated with a liquid wetting agent prior to removal. Any unsaturated, absorbent, friable, asbestos-containing material exposed during removal shall be immediately saturated with a liquid wetting agent.
- (4) Nonabsorbent, friable, asbestos-containing material, such as cement asbestos board, shall be continuously coated with a liquid wetting agent on any exposed surface prior to and during removal. Any dry surfaces of nonabsorbent, friable, asbestos-containing material exposed during removal shall be immediately coated with a liquid wetting agent.
- (5) Metal components (such as valves, fire doors, and reactor vessels) that have internal friable, asbestos-containing material are exempt from the requirements of Sections 4.05(b)(3) and 4.05(b)(4) if all access to the friable, asbestos-containing material is welded shut or the component has mechanical seals, which cannot be removed by hand, that separate the friable, asbestos-containing material from the environment.
- (6) Except for surfacing materials being removed inside a negative pressure enclosure, friable, asbestos-containing materials that are being removed, have been removed, or may have fallen off components during an asbestos project shall be carefully lowered to the ground or a lower floor, not dropped, thrown, slid, or otherwise damaged.
- (7) All asbestos-containing waste material shall be sealed in leak-tight containers as soon as possible after removal but no later than the end of each work shift.
- (8) All absorbent, asbestos-containing waste material shall be kept saturated with a liquid wetting agent until sealed in leak-tight containers while saturated with a liquid wetting agent. All nonabsorbent, asbestos-

containing waste material shall be kept coated with a liquid wetting agent until sealed in leak-tight containers while coated with a liquid wetting agent.

- (9) The exterior of each leak-tight container shall be free of all asbestos residue and shall be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.
- (10) Immediately after sealing, each leak-tight container shall be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be readable without opening the container.
- (11) Leak-tight containers shall not be dropped, thrown, slid, or otherwise damaged.
- (12) The asbestos-containing waste material shall be stored in a controlled area until transported to an approved waste disposal site.

**(c) Method of Removal for Nonfriable, Asbestos-Containing Material**

It shall be unlawful for any person to cause or allow the removal of nonfriable, asbestos-containing material unless all the following requirements are met:

- (1) Sanding, grinding, abrading, or sawing of nonfriable, asbestos-containing material shall be prohibited unless the material that is disturbed is handled as friable, asbestos-containing material in accordance with the requirements in Section 4.05(b) of this regulation;
- (2) Appropriate dust control methods as provided in Section 9.15 of Regulation I shall be used, as necessary, to control fugitive dust emissions from the removal of nonfriable, asbestos-containing material;
- (3) After being removed, the nonfriable, asbestos-containing material shall be promptly transferred to a disposal container; and
- (4) Each disposal container shall have a sign identifying the material as nonfriable asbestos waste.

**SECTION 4.07 DISPOSAL OF ASBESTOS-CONTAINING WASTE MATERIAL** Adopted 06/08/95 (818)

- (a) Except as provided in Section 4.07(c) of this Regulation, it shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless it is deposited within 10 days of removal at a waste disposal site authorized to accept such waste.

**(b) Waste Tracking Requirements**

It shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless the following requirements are met:

- (1) Maintain waste shipment records, beginning prior to transport, using a form that includes the following information:
  - (A) The name, address, and telephone number of the waste generator;
  - (B) The approximate quantity in cubic meters or cubic yards;
  - (C) The name and telephone number of the disposal site operator;
  - (D) The name and physical site location of the disposal site;
  - (E) The date transported;
  - (F) The name, address, and telephone number of the transporter; and
  - (G) A certification that the contents of the consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition to transport by highway according to applicable international and government regulations.
- (2) Provide a copy of the waste shipment record to the disposal site at the same time the asbestos-containing waste material is delivered.
- (3) If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 35 calendar days of the date the waste was accepted by the initial transporter, contact the transporter and/or the owner or operator of the disposal site to determine the status of the waste shipment.
- (4) If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 45 days of the date the waste was accepted by the initial transporter, report in writing to the Control Officer. Include in the report, a copy of the waste shipment record and a cover letter signed by the waste generator explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.
- (5) Retain a copy of all waste shipment records, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site, for at least 2 years.

**(c) Temporary Storage Site**

A person may establish a facility for the purpose of collecting and temporarily storing asbestos-containing waste material if the facility is approved by the Control Officer and all the following conditions are met:

- (1) Accumulated asbestos-containing waste material shall be kept in a controlled storage area posted with asbestos warning signs and accessible only to authorized persons;

- (2) All asbestos-containing waste material shall be stored in leak-tight containers and the leak-tight containers shall be maintained in good condition;
- (3) The storage area must be locked except during transfer of asbestos-containing waste material; and
- (4) Storage, transportation, disposal, and return of the waste shipment record to the waste generator shall not exceed 90 days.

**(d) Disposal of Asbestos Cement Pipe**

Asbestos cement pipe used on public right-of-ways, public easements, or other places receiving the prior written approval of the Control Officer may be buried in place if the pipe is covered with at least 3 feet or more of non-asbestos fill material. All asbestos cement pipe fragments that are 1 linear foot or less and other asbestos-containing waste material shall be disposed of at a waste disposal site authorized to accept such waste.

**SECTION 4.09 COMPLIANCE WITH OTHER RULES**

Adopted 07/13/00 (918)

Other government agencies have adopted rules that may apply to asbestos projects regulated under these rules including, but not limited to, the U.S. Environmental Protection Agency, the Occupational Safety and Health Administration, and the Department of Labor and Industries. Nothing in the Agency's rules shall be construed as excusing any person from complying with any other applicable local, state, or federal requirement.